

**FREQUENTLY ASKED QUESTIONS
ABOUT
THE DEPARTMENT OF HUMAN SERVICES'
2007 CHILD CARE TRANSPORTATION VEHICLE REQUIREMENTS**

What are the main changes to the child care transportation vehicle requirements in 2007?

Most child care providers currently transport in 15-passenger vans. Effective **January 1, 2007**, however, these vans will be prohibited. All vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten **(10) or more passengers** must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either **“large” school buses or “small” school buses**, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended. This new school bus law will not effect providers who exclusively transport in family cars, SUVs and passenger vans which are designed to carry fewer than 10 passengers. However, these providers will still be required to comply with all passenger restraint requirements.

Do all types of buses satisfy the 2007 vehicle structural requirements?

No, many commercial buses do not meet the school bus standards.

There are three (3) categories of vehicles that do conform to FMVSS school bus structural and crash standards:

1. Large school buses,
2. Small school buses, and
3. Multifunction school activity buses (MFSABs).

See examples below:



Large School Bus



Small School Bus



Multifunction School Activity Bus

***Note:** As illustrated above, a child care vehicle does not have to be painted “school bus yellow” (it can be yellow, but it does not have to be yellow). Although the law does not require a specific color scheme, the bus still must display the required signage providing the name of the agency/contractor & the Complaint Hotline number.*

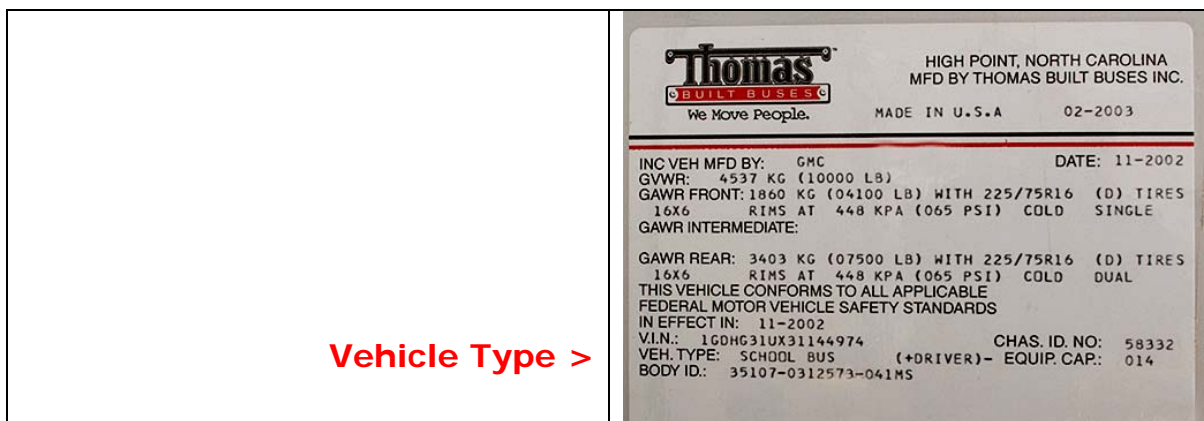


Vehicles like the example above are commonly used for airport parking and hotel transportation. This is a bus, but not a school bus. While it may look similar to these other vehicles, it does not conform to FMVSS school bus standards.

How can I determine if a bus is a school bus?

All school buses have a certification label that is affixed to the vehicle by the manufacturer and certifies the vehicle as a school bus. According to the National Highway Transportation Safety Administration, you will usually find this certification label "affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or to the left side of the instrument panel. If none of these locations is practicable, the label must be affixed to the inward-facing surface of the door next to the driver's seating position. A bus that meets the FMVSSs applicable to school buses will state **"school bus"** or **"MFSAB"** as its vehicle classification."

See example below:



Note the information on the certification label next to "Vehicle Type." The label clearly identifies the vehicle as a "SCHOOL BUS" or "MFSAB".

Buyer Beware: Look closely at the certification label. Avoid buying or leasing a vehicle in which the label appears to have been altered in any way. Also, note the manufacturer and the manufacturing date on the first line of the label - in the example above we can see that the vehicle was manufactured by GMC in 11-2002. Check with your insurer about any coverage restrictions on older vehicles; note that it is usually best to simply avoid purchasing or leasing a bus that is more than 15 years old. If you are ordering a new vehicle it can take anywhere from four to six months for it to be manufactured and delivered, so please plan ahead.

How is a "Multifunctional School Activity Bus" different from a "Small School Bus"?

The "Multifunction School Activity Bus" (e.g., "MFSAB") is designed to provide all of the crash safety standards that can be found on a traditional school bus, but without the "flashers and signs" that traditional school buses need for frequent pick-up and drop-off at school bus stops. Thus, the vehicles in this category conform with all FMVSS requirements for school bus structural and crash standards, but they are not required to have specialized warning devices such as stop signs and warning lights, and they are not required to have a specific color scheme (i.e. school bus yellow).

See examples below:



Multifunction School Activity Bus ("MFSAB")

Small School Bus

Both these vehicles meet FMVSS standards and look very similar. The only significant difference between these vehicles is that the MFSAB does not have the warning lights and a stop arm.

The MFSAB can be a good alternative to a "small school bus" for child care providers. If you do purchase or lease a "small school bus" for child care use and it still has working warning lights and the stop arm, then the stop arm must be removed and the warning lights must not be used during child care transportation.

Special Note about Driver's License Requirements: Small School Buses & MFSAB which are designed and built to carry 14 or fewer passengers, plus the driver, may not require a Commercial Driver's License. Check with your Driver's License office to confirm the Driver's License requirements.

Do large school buses, small school buses, and multifunctional school activity buses meet all of the new passenger restraint requirements?

The passenger restraint rules that will be in effect in 2007 (when school buses become required) mirror the passenger restraint laws that are currently in the state statute. Details about these requirements can be found in DHS' Restraint FAQ, which is called "*Frequently Asked Questions About the 2007 Passenger Restraint Requirements*". If you have not already received a copy of this document you can contact your Licensing Program Evaluator, or you may download a copy from DHS' website:
<http://www.state.tn.us/humanserv/childcare.htm>

Note that the types of restraints that are required differ depending upon the size & age of the children you are transporting, and the type of vehicle that they are being transported in. In addition, note that school buses often do **not** automatically come equipped with the type of seats, anchorage points, and restraints that may be required for the ages & sizes of the children that you are transporting. You should consult the Department's Restraint FAQ to help you determine the types of restraints that your program will need.

When buying or leasing any type of bus for child care you need to either:

- specifically request the appropriate seats and anchorage points, *or*
- outfit the bus with an add-on restraint/harness system that will satisfy the 2007 requirements (see the following section about "add-on restraints" for additional information).

Buyer Beware: *Pay close attention to child restraint requirements before committing to buying or leasing any bus, especially used buses - be sure you understand the requirements and the costs associated with child restraints for the particular bus that you are considering purchasing or leasing.*

Do all restraints require that the bus have specific anchorage points?

There are three (3) main restraint categories that usually require specific anchorage points:

- Car seats (e.g., infant carriers/child safety seats),
- belt-positioning booster seats, and
- lap & shoulder belt combinations.

However, there are also several “add-on” restraint/harness systems available that meet FMVSS – see the Department’s Restraint FAQ for additional information.

Can existing school buses be retrofitted with the appropriate restraint anchorages?

The child care rules require factory installed restraint anchorages, therefore the Department will only recognize professional retrofitting that is done by a legitimate bus manufacturer, conversion company, or other recognized professional installer. If you are unsure about whether a company is a legitimate bus manufacturer check with the Pupil Transportation Division of the Department of Safety.

Buyer Beware: *A seller may claim that a bus has been properly retrofitted to meet the child restraint requirements. Do not purchase or lease any used bus that has been retrofitted unless you receive a certification from the manufacturer, and you have verified that certification document. Also, note that school bus seats which were designed for seat belts contain a brace across the legs. If a seller claims that a bus comes already equipped with seat belts look for this brace – inquire further and demand manufacturer documentation if there is no brace present.*

The Department of Human Services’ web site contains a listing of known manufacturers and sellers/distributors of buses and bus products:
<http://www.state.tn.us/humanserv/childcare.htm>

Do add-on restraint/harness systems need to be installed by the manufacturer?

The law requires passenger restraints to be installed by the manufacturer. However, add-on restraint/harness systems are specifically manufactured to be installed by the “end user” (e.g., the driver or other transportation staff who are responsible for restraining the children each day) – just as an infant carrier or a booster seat, for example, are currently installed by the child care provider in their 15-passenger van. Therefore, these systems do not need to be installed by the manufacturer.

Do all the seats on the vehicle need to have anchorage points that will support every type of restraint?

No. The specific configuration of seat anchorage points in a vehicle can be matched to the needs of your program.

Step 1: Look at the ages & sizes of children that your program typically serves, as well as the ages & sizes of children that your program typically transports.

Step 2: Consult the Department's Restraint FAQ and write down the general type of restraint that these ages will require. In addition, do not forget the needs of any adults who will be riding on the vehicle.

Step 3: Make a list of the restraints available to meet your program's needs. *What restraints are available if your bus comes equipped with seat belts? If your bus does not come equipped with seat belts?* Make a list of all of your options – consult the Department's Restraint FAQ, its web site and bus manufacturers for help in learning about available options.

Step 4: Take your list of options with you to different bus sellers. Review your options often and discuss your needs with the bus seller.

Buyer Beware: Some add-on restraint/harness systems are designed to work with bus seats that already have existing lap belts, while others are designed to fit around the existing bus seats without lap belts. Insure that you clearly understand all of your passenger restraint options and how those options will work with a particular bus before you commit to purchasing or leasing the vehicle.

When purchasing or leasing a used vehicle how do I know if the vehicle conforms with FMVSS school bus standards?

The vehicle's certification label should always be closely examined, but when purchasing or leasing a used vehicle from someone other than a bus manufacturer there still is not a sure way of determining if the vehicle conforms with the FMVSS unless it passes inspection by a qualified bus safety inspector (and please note that the Department of Safety is not able to perform pre-purchase courtesy inspections of buses – they are only able to perform the required annual inspection, as well as any follow-up inspections needed to verify corrections of violations).

If the vehicle was originally titled as a school bus it is safe to assume that it met the FMVSS when it was first titled – *however* - it is important to confirm that the vehicle has not since been modified in a way that would void the original structural integrity.

Buyer Beware: In addition to your potential loss in income if you purchase or lease a "lemon", note that the failure to comply with state law could result in your insurance carrier denying coverage in the event of an accident (including a "no-fault" accident). Accordingly, it is critical that you do your homework before purchasing or leasing a used vehicle:

- ***Verify that you are working with a legitimate seller who has specific experience with school buses and who offers a warranty. Check for complaints against your seller with the Consumer Affairs Division of the state Attorney General's Office and your local Better Business Bureau;***
- ***Require that the seller provide a title report/accident history, or check the internet for sites that allow you to purchase this information yourself. Do not purchase or lease a bus which was not originally titled as a "school bus" or a "MFSAB", and avoid vehicles that have been in an accident;***
- ***Carefully review the certification label. Do not purchase or lease a bus in which the label appears to be altered in any way, or in which the information on the label does not appear to match any other information you have on the vehicle (e.g., the title report, your own visual inspection of the bus, etc.);***
- ***Carefully inspect the entire vehicle, including underneath it, for any evidence of structural repairs. Avoid sellers who attempt to discourage your inspection, minimize the evidence, or "explain away" repairs. Legitimate sellers will not pressure you and will be honest about all of the information they have on a vehicle's history.***

- *As with any used vehicle, later models and those with lower mileage usually have fewer problems than older models and those with higher mileage. Purchase or lease the newest/lowest mileage vehicle that you can afford – but still do all of your homework: even late model buses could have been in an accident or have a history of break-downs.*

What will Program Evaluators look for in a vehicle when they monitor transportation?

Program Evaluators will initially verify that the vehicle meets FMVSS for school buses, but will otherwise continue to monitor buses in the same manner that they currently monitor 15-passenger vans:

- They will check the certification label on each vehicle to insure that it is legitimate, it is unaltered, and it verifies that the vehicle was manufactured as either a "school bus" or a "MFSAB";
- They will look to see that what restraints you are using - regardless of whether it is a manufacturer-installed safety restraint or an add-on restraint/harness system - is appropriate for the children your program is transporting;
- They will conduct a visual safety inspection of the bus in the same manner that they currently visually inspect 15-passenger vans, e.g., verifying no apparent safety hazards; and
- They will continue to verify that all vehicles receive and pass an annual inspection by the Department of Safety.